**IN THE HIGH COURT OF BOMBAY AT GOA**

**MISCELLANEOUS CIVIL APPLICATION NO.294 OF 2005**
**IN CIVIL REVISION APPLICTION NO. 214 OF 1998**

Shri Ganesh Putu Deulkar & Ors. ... Applicants.

Versus

Shri Pundalik Rama Gad & Anr. ... Respondent.

Mr. M. S. Usgaokar, Senior Advocate with Mr.Sudin Usgaokar, advocate for the applicants.

Mr. S. D. Lotlikar, Senior Advocate with Ms. Shreya Naik, advocate for the respondents.

**CORAM : A. P. LAVANDE ,J.**

**DATE : 21st April, 2005.**

**P.C.**

Heard Mr. Usgaokar for the applicants and Mr. Lotlikar for the respondents. By this application, the applicants pray that they made be permitted to convert Civil Revision Application no.214/1998 into a Writ Petition since a revision against the impugned Order allowing the amendment is not maintainable. Mr. Usgaokar further states that in the event this Court is not inclined to grant the relief, liberty be granted to the applicants to file Writ Petition against the impugned Order.

2. I am not inclined to grant this application, for converting Revision Application into Writ Petition. However, I am

inclined to grant liberty to the applicants to file Writ Petition against the impugned Order allowing the amendment, since this Court has held that revision application against an Order allowing amendment is not maintainable after the 2002 Amendment to the Civil Procedure Code.

3. In view of the above, this application is dismissed and the applicants are given liberty to file Writ Petition against the impugned Order allowing the amendment. The issue about maintainability of the writ petition is kept open. The application is disposed of.

A. P. LAVANDE, J.

mc.